

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

§
STEVEN K. BAUGHMAN, #02180609, §
§
Plaintiff, §
§
v. § Case No. 6:20-cv-560-JDK-KNM
§
JIMMY BOWMAN, et al., §
§
Defendants. §
§

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Steven K. Baughman, a former Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendants Jimmy Bowman, Bryan Collier, Lorie Davis, Vernon Mitchel, the Texas Board of Criminal Justice, and the Texas Department of Criminal Justice's motion for summary judgment. Docket No. 104. On February 7, 2024, Judge Mitchell issued a Report recommending that the Court grant Defendants' summary judgment motion, dismissing all claims against these Defendants. The Report also recommends dismissing Plaintiff's excessive force claims against Defendant Brandi Bingham with prejudice for failure to state a claim upon which relief may be granted. Docket No. 132.

A copy of this Report was sent to Plaintiff, and Plaintiff received the Report on February 13, 2024. Docket No. 134. At Plaintiff's request, the Court granted an extension of time to file objections to the Report—to March 15, 2024. Docket No. 137. Plaintiff received a copy of that order on February 29, 2024. Docket No. 139. Despite the extra time, no objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 132) as the findings of this Court. It is

therefore **ORDERED** that Plaintiff's claims against Defendant Bingham are **DISMISSED** with prejudice for failure to state a claim. The Court also **GRANTS** Defendants Bowman, Collier, Davis, Mitchel, the Texas Board of Criminal Justice, and TDCJ's motion for summary judgment (Docket No. 104) and **DISMISSES** Plaintiff's claims against them with prejudice.

So **ORDERED** and **SIGNED** this 22nd day of March, 2024.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE